

FILED

September 15, 2003

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street - 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board
of **Medical** Examiners

By: Mileidy Perez
Deputy Attorney General
Tel. (973)648-7453

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF

Saad S. Antoun, M.D.
License No. MA31164

Administrative Action

CONSENT ORDER

TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Medical Examiners by the filing of a Provisional Order of Discipline on June 13, 2003 by Peter C. Harvey, Attorney General of New Jersey, by Mileidy Perez, Deputy Attorney General, seeking to suspend Respondent's license to practice medicine and surgery in the State of New Jersey pursuant to N.J.S.A. 45:1-21(f). The Provisional Order of Discipline was based on Respondent entering into a Memorandum of Plea Agreement with the United States of America in a criminal action filed in the U.S. District of Delaware on September 18, 2002. The Memorandum of Plea Agreement was

signed by **the** Honorable Joseph **3.** Farman, Jr., a United States District Judge, stating that Respondent agreed to waive indictment and plead guilty to a one count information charging him with conspiring to violate the Prescription Drug Marketing Act, 21 U.S.C. **Sections** 331(t) and 333 (c), all in violation of Title 18, United States Code, Section 371.

At the September 18, 2002, **plea** hearing in the in U.S. District Court of **Delaware** the Respondent admitted that beginning in the fall of 1995 and continuing at least until July 1996, he conspired with Zeneca Pharmaceuticals and employees of Zeneca Pharmaceuticals to receive free doses of Zoladex and **billed** his patients and **the** Federal Government for the free samples. Pursuant to the Memorandum of Plea Agreement the Respondent agreed and **stipulated** that he received more than \$30,000 and less than \$70,000 from billing for the free doses of Zoladex that were labeled "not for retail sale."

Under the terms of **the** Memorandum of Plea Agreement, the Respondent agreed to pay a fine of \$20,000 and a **special** assessment of \$100.00. The Respondent also agreed to complete a period of physician community service **a3** may be ordered by the Court and to fully cooperate with the **Government's** investigation.

On September 18, 2002, the Respondent entered into a Settlement Agreement with the Office of the Inspector General of the Department of Health and Human Services ("OIG"). The OIG Settlement Agreement incorporated the terms of the Memorandum of

Plea Agreement filed by the U.S. District Court. Under the terms of the OIG Settlement Agreement the Respondent agreed to pay the OIG a sum of money which equals the differential between \$77,484.00 and the amount of restitution he is **ordered to** pay in connection with his plea in the Criminal Action. Respondent further agreed that if he fulfills his obligations **under** both the Memorandum of Settlement Agreement and the OIG Settlement Agreement, the OIG will release Respondent from any **claims** or causes of action it may have against him for submitting fraudulent claims and illegal remuneration by soliciting and receiving samples of Zoladex which is conduct that would exclude Respondent from participating in Federal health **care** programs. To satisfy the **terms and conditions** of **the** Memorandum of Settlement Agreement and **the** OIG Settlement Agreement, the Respondent agreed to participate in a compliance period of three (3) years commencing on September 18, 2002, the effective date of the OIG Settlement Agreement.

The parties being desirous of resolving this matter and the Board finding the within Order to be adequately protective of the **public** interest and for good cause shown,

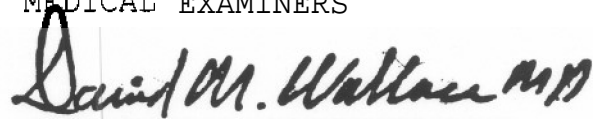
ACCORDINGLY, IT IS on this 15th day of Sept., 2003,
HEREBY ORDERED AND AGREED THAT:

1. Respondent is reprimanded by the New Jersey State Board of Medical Examiners.
2. Respondent's license to practice medicine and surgery in the State of New Jersey **be** and hereby is placed on probation for a

period of three years, **such** period of **probation** shall be concurrent with the three year period of **compliance set** forth in the **OIG Settlement** Agreement.

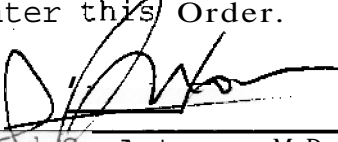
NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:




David M. Wallace, M.D.
Board **President**

I have read and **understand** the within Consent Order and agree to be bound by its terms. Consent **is** hereby **given** to the New **Jersey** Board of Medical Examiners to enter this Order.


Saad S. Antoun, M.D.

8/21/03
Date

Consent as to form and entry:


Joseph M. Gorrell, Esq.

8/25/03
Date